



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

BERNARD JOHNSON,	§	
Petitioner,	§	
	§	
vs.	§	CIVIL ACTION NO. 1:16-01532-MGL
	§	
WARDEN JOYNER, South Carolina	§	
Department of Corrections,	§	
Respondent.	§	

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ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING THE PETITION WITHOUT PREJUDICE

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This case was filed as a 28 U.S.C. § 2241 action. Petitioner is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the Petition be dismissed without prejudice. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on May 31, 2016, and the Clerk of Court entered Petitioner's objections to the Report on June 9, 2016. The Court has reviewed the objections, but finds them without merit. Therefore, it will enter judgment accordingly.

In Petitioner's objections, he makes clear that "[h]e has no objections to Judge Shiva V. Hodges, Report and Recommendation at all." Objections 4. Because the Court agrees with the Magistrate Judge's treatment of the issues in this case, it need not provide further discussion. Suffice it to say the Court will overrule Petitioner's objections to the extent they can be construed as opposing the Report.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Petitioner's objections to the extent they can be construed as opposing the Report, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that Petition is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Signed this 9th day of June, 2016, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.